

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

John E. Amos,

Plaintiff,

v.

Case No. 2:17-cv-819

John M. Solovan, II, et al.,

Defendants.

ORDER

This is an action under 42 U.S.C. §1985(2) filed by John E. Amos, an Ohio *pro se* inmate, against John M. Solovan, II, the retired Ohio common pleas court judge who presided over plaintiff's 2007 criminal trial in Belmont County, Dan Fry (also spelled "Frye"), and James L. Nichelson, the attorney who represented plaintiff in the criminal proceedings. Plaintiff alleges that defendants Solovan and Fry conspired to illegally indict plaintiff, and that defendant Nichelson joined the conspiracy when he represented plaintiff in the criminal case.

On September 19, 2017, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge noted that the statute of limitations applicable to §1985 claims in Ohio is two years. The magistrate judge concluded that because the events alleged in the complaint preceded the May 4, 2007, imposition of sentence in plaintiff's state criminal case, the

instant complaint is barred by the statute of limitations.

The report and recommendation specifically advised the parties that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation would result in a waiver of the right to *de novo* review by the district judge and a waiver of the right to appeal the judgment of the District Court. Doc. 2, p. 5. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The court agrees with the report and recommendation (Doc. 2), and it is hereby adopted. This action is hereby dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) because plaintiff's complaint fails to state a claim for which relief may be granted. The clerk shall enter judgement dismissing this case.

Date: October 12, 2017

s/James L. Graham
James L. Graham
United States District Judge